IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 1337 of 1998

In

SPECIAL CIVIL APPLICATION No. 6745 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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AHMEDABAD EDUCATION SOCIETY &2 - Petitioner(s)

Versus

SHIVPRASAD VALJIBHAI ACHARYA &2 - Respondent(s)

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Appearance :

NOTICE SERVED BY DS for Petitioner No(s).: 1.
MS KJ BRAHMBHATT for Petitioner No(s).: 1,2.
RULE SERVED for Respondent No(s).: 1,2.

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CORAM :HONOURABLE MR.JUSTICE R.S.GARG
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date : 04/07/2005

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1.After hearing the learned counsel for the appellant, we are of the considered opinion that the learned Single Judge was absolutely justified in requiring the appellant to act in accordance with their own Rules which provide that on satisfactory completion of the services on retirement/superannuation, an employee would be entitled to gratuity. The defence of the appellant that till by that time, they did not decide anything or did not take any action in case of any other employee, would not cut any ice in their favour. It is not expected of an authority that after making Rules, they will observe the same in their breach. The learned Single Judge did not do anything but for asking the appellant to act in accordance with their own Rules. We find no reason to interfere. The appeal is dismissed.

[R.S.GARG, J.]

[RAVI R. TRIPATHI, J.]

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